

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MICHAEL W. GAMBILL,  
Plaintiff,**

**v.**

**WERNER CO.,  
STANLEY BLACK & DECKER, INC., and  
WAL-MART STORES, INC.,  
Defendants.**

**No. 10 - CV - 00459 DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is a Joint Stipulation for Dismissal Pursuant to Rule 41(a)(1)(A)(ii) (Doc. 43), filed by Plaintiff with consent of counsel for Defendants. The Stipulation seeks to dismiss the current action without prejudice as to all claims pending against defendants Wal-Mart Stores, Inc., and Stanley Black & Decker, Inc., with each party to bear its own costs and fees. The Stipulation is made pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii)**.

Accordingly, the Court hereby **ACKNOWLEDGES** said Stipulation and that defendants Wal-Mart Stores, Inc., and Stanley Black & Decker, Inc., are hereby **DISMISSED WITHOUT PREJUDICE** from this suit, each party to bear its own costs and fees. As Werner Co. was dismissed previously (Doc. 26), there are no remaining

parties to this action. The Court will close the file.

**IT IS SO ORDERED.**

Signed this 7th day of February, 2011.

  David R. Herndon  
2011.02.07  
06:13:40 -06'00'

**Chief Judge  
United States District Court**